

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE PAGUAY, *on behalf of himself and  
the class,*

Plaintiff,

-v-

ESH RESTAURANT GROUP LLC, *et al.*,  
Defendants.

23-CV-8434 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On September 25, 2023, Plaintiff Jose Paguay, on behalf of himself and a putative class, filed this action under the Fair Labor Standards Act and New York Labor Law against Defendants. (ECF No. 1.) The Court referred the case to the Honorable Katharine H. Parker for General Pretrial on September 26, 2023. (ECF No. 6.) On January 19, 2024, Defendants filed a motion to compel arbitration and a motion to dismiss. (ECF No. 27.) On February 2, 2024, Plaintiffs filed a cross-motion to certify a class pursuant to Federal Rule of Civil Procedure 23(b)(2). (ECF No. 31.)

On April 1, 2024, Magistrate Judge Parker issued an Opinion and Order granting Defendants' motion to compel arbitration; that Opinion did not resolve Defendants' related motion to dismiss and Plaintiffs' cross-motion for class certification. (ECF No. 47.) In light of Judge Parker's Opinion, Plaintiffs' cross-motion for class certification is denied as moot.

The Clerk of Court is directed to close the motion at ECF No. 31.

SO ORDERED.

Dated: April 2, 2024  
New York, New York

  
J. PAUL OETKEN  
United States District Judge